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THE WINE GROUP, INC. HEALTH
BENEFIT PLAN

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TRACY BURNINGHAM,

Plaintiff,

v.

THE WINE GROUP, INC. HEALTH
BENEFIT PLAN,

Defendant.

Case No. 2:22-cv-00659-DJC AC

**STIPULATED APPLICATION OF
DEFENDANT TO EXTEND TIME TO
FILE REPLY IN SUPPORT OF ITS
TRIAL BRIEF BY SEVEN DAYS;
ORDER**

Civil L.R. 144

Defendant The Wine Group, Inc. Health Benefit Plan (“Defendant”) hereby respectfully requests and applies to this Court pursuant to Civil Local Rule 144 for an Order extending its time to file its Reply in support of its Trial Brief (ECF No. 30) by seven (7) days, including and up to April 11, 2025. Currently, Defendant’s Reply is due to be filed on Friday, April 4, 2025. This Request is stipulated.

Good cause exists for granting this extension of time due to unanticipated commitments in other cases. *See* Declaration of Sung Cheol Sam Park (“Park Decl.”), ¶ 2. Counsel for Defendant recently prevailed on a dispositive motion in a class action lawsuit in the Northern District of Illinois (Case No. 1:23-cv-15197). As a result of the ruling, Defendant must prepare Motion for Attorney’s Fees with all supporting documentation this week, as well as an Opposition to opposing party’s anticipated Motion for Reconsideration. During the same time, Defendant’s counsel was required to prepare and file a large administrative record in an ERISA action pending in the Eastern

District of Wisconsin (Case No. 2:24-cv-01228-BHL). For these reasons, Defendant respectfully requests what will be the last extension in this case—an additional seven days to prepare its Reply. This would extend the current deadline to file Defendant’s Reply from April 4, 2025, to April 11, 2025.

The parties have previously sought and obtained two extensions of the briefing schedule due to difficulty in securing the administrative record from the third-party administrator. *See* ECF Nos. 15 and 18. Plaintiff also sought and obtained an extension of the time to file her Trial Brief on the basis of difficulty in securing documentation from the same third-party administrator related to subsequent admissions. *See* ECF No. 22. Defendant then sought and obtained a seven-day extension to file its trial brief and opposition, premised on an internal calendaring error. *See* ECF No. 25. Most recently, Plaintiff sought a four-day extension premised on press of other business necessitating extension. *See* ECF No. 28.

Neither party will be prejudiced by the proposed extension, and Plaintiff’s counsel does not oppose this Request. Similarly, it will not require the resetting of any dates on the Court’s calendar because oral argument on Plaintiff’s Trial Brief has not been set and will not be set until such time that the Court determines that oral argument is necessary. *See* ECF No. 30.

IT IS SO STIPULATED.

Dated: April 3, 2025

JACKSON LEWIS P.C.

By: /S/ Donald P. Sullivan
Donald P. Sullivan, Esq.
Attorney for Defendant

Dated: April 3, 2025

LAW OFFICE OF ROBERT F. KEEHN

By: /S/ Robert F. Keehn
Robert F. Keehn, Esq.
(as authorized on April 2, 2025)
Attorney for Plaintiff

ORDER

Pursuant to the Unopposed Application of Defendant to Extend Time to File Reply in support of its Trial Brief by Seven Days, and for good cause shown, the Court grants the Request an Orders as follows:

1. The time for Defendant to file its Reply in support of its Trial Brief shall be extended by seven (7) days to Friday, April 11, 2025.

IT IS SO ORDERED:

Dated: April 7, 2025

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE